

**LEWISHAM COUNCIL
STRATEGIC PLANNING COMMITTEE
WEDNESDAY, 13 JULY 2022 AT 7.05 PM
MINUTES**

IN ATTENDANCE: Councillors: Suzannah Clarke (Chair), John Paschoud (Vice-Chair), Peter Bernards, Will Cooper, Mark Ingleby, Louise Krupski, Jack Lavery, Jacq Paschoud, Aliya Sheikh and James-J Walsh.

MEMBER(S) UNDER STANDING ORDERS ALSO IN ATTENDANCE:
Councillor Brenda Dacres, Ward: New Cross.

MEMBER(S) OF THE COMMITTEE ALSO JOINING THE MEETING
VIRTUALLY: N/A

MEMBER(S) UNDER STANDING ORDERS ALSO JOINING THE
MEETING VIRTUALLY: N/A

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

OFFICER(S) ALSO JOINING THE MEETING VIRTUALLY: Head of Development (HoD), Planning Officers (Officer/Officers), Joy Ukadike, Senior Planning Lawyer.

Clerk: Committee Officer.

Apologies were received on behalf of Councillors: N/A

**Item
No.**

1. Declarations of Interest

None

2. Minutes

RESOLVED that the minutes of the Strategic Planning Committee meetings held on 28 April 2022 be agreed.

3. Sun Wharf, Creekside SE8

- 3.1. Before the Officers presentation, the HoD drew the Committees attention to an addendum to the Officers report for Item 3 added to the meeting's agenda on the afternoon of 13 July 2022. The HoD highlighted the following items addressed in the addendum: day/sunlight assessment, covenants, recording of planning conditions.
- 3.2. The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of all existing buildings and comprehensive redevelopment to provide 3 new buildings ranging in heights of 3 to 19 storeys to provide 220 residential units (C3 Use Class) and 1,132sqm of commercial floorspace (Use Class E) plus 311sqm of commercial floorspace (Use Class E) in a container building, together with associated wheelchair accessible vehicle parking, cycle parking, landscaping, play areas, public realm, improvements to river wall and public riverside walkway and associated works at Sun Wharf, Creekside SE8.
- 3.3. A Member had arrived late to the Committee meeting and was advised by the Chair that they would not be able to participate in the consideration of the application nor vote upon it.
- 3.4. The Committee noted the report.
- 3.5. The HoD at the Chair request reiterated the advice provided before the Officer presentation regarding the addendum to the Officer report.
- 3.6. Following the HoD's advice, comments and questions addressed to the Officer, by Members related to: tenure, loss of light, height and distances, heating system, infra-structure.
- 3.7. The Officer assured Members provided clarification regarding the block design and tenure as outlined in the Officers report.
- 3.8. The Committee were advised by the Officer of the sunlight /daylight data for the disabled unit that would be impacted by loss of light. The Officer assured Members that daylight / sunlight was always a concern for officers.

- 3.9. The Officer noted steps taken by the applicant such as reductions in the developments' height, following consultation with the Environment Agency and a greater setback of the proposals' boundary from the adjacent river. The Officer made comparisons between the applicants prior 2019 application and the current application. The Officer noted that in contrast to the former application, there were no objections raised by the GLA to the current application.
- 3.10. The Officer advised Members that the heating would be via communal boilers. The Officer noted the Committees concern with regard to the installation of gas boilers and advised more detail could be obtained from the applicant by condition regarding the proposed heating system strategy.
- 3.11. Members were advised by the Officer that the local infrastructure, such as nurseries and primary schools had the capacity to adequately support the development.
- 3.12. The agent and applicant addressed the Committee and described the application site and proposed benefits to the local community. The agent and applicant also discussed the: design, surveys conducted and their data, daylight /sunlight assessment in particular, benefits of the development, affordable homes and creative commercial units proposed.
- 3.13. Following the agent and applicant's address, questions put to the agent and applicant by Members related to: tenure, equality and impacts.
- 3.14. The agent advised the Committee it was not possible to pepper-pot the tenure due to constraints for the management of the units, such as service charges.
- 3.15. Members were assured by the agent that tenants would be treated equally and no tenant would be disadvantaged. The agent also advised the applicant would be happy for the local authority to set conditions to ensure equal treatment and quality for residents of the development.
- 3.16. The applicant provided clarification of the developments design and advised Members there would be no impact on residents generally within the Sun Wharf scheme but noted that there would

be impacts on occupiers of Kent Wharf. The agent aware of the Committees concern at the advice, assured Members that the tenant of the disabled unit would have the benefit of an enclosed winter garden space.

- 3.17. Following Members questions put to the agent and applicant, the Chair invited the independent daylight/sunlight consultant appointed by the local authority, to discuss the findings of the assessment they had conducted, which also included breaches of the BRE guidelines
- 3.18. The Council's appointed independent consultants discussed their submitted daylight and sunlight assessment.
- 3.19. The consultants answered the questions put to them with regard to their findings by the Committee Members, using the assessment data to provide further clarifications.
- 3.20. Members asked the consultant whether or not the application should be granted, based on the report's findings.
- 3.21. The consultant advised the Committee that it was not in the consultants remit to provide that advice, but only to provide their expertise on the daylight / sunlight assessment results.
- 3.22. The consultant's advice was supported and reiterated by the legal officer.
- 3.23. Members then addressed questions to the assessor, applicant and Officer that related to the: wind mitigation measures, bicycles, river wall, heating system, construction management plan, EA requirements and industrial space.
- 3.24. The applicant advised the use of trees was a common wind mitigation strategy. The proposal would use evergreens in the 3 metre height range. The applicant advised Members that the choice of tree would very effective and beneficial to the biodiversity and environment.
- 3.25. The applicant informed the Committee that wind usually had an impact on the application site during the winter. The applicant then identified the areas of the application site where proposed bicycle and pedestrian mitigation measures would be employed.

- 3.26. The Committee were assured by the applicant that an intrusive survey of the river wall was planned, which was not possible to conduct earlier, as the previous tenant of the existing development would not provide permission for the survey to be conducted. Members were also assured the applicant was in consultation with the Environment Agency to agree actions to be taken.
- 3.27. The applicant assured the Committee by providing clarification of the energy strategy for the proposal. The Members were advised by the applicant that they were happy for the energy strategy to be submitted under condition to the local authority.
- 3.28. The Committee were assured a construction management plan would be submitted to the local authority under condition.
- 3.29. Members were informed that the proposal design was deemed appropriate, there would be no impact on neighbouring buildings and that drawings of the proposal would be submitted to the Environment Agency for approval.
- 3.30. Members were provided with clarification of the ownership of the existing industrial space on the application site. The applicant stated they had been in talks with Network Rail with regard to the matter for the past 10 years and it was established the industrial space was owned by Blackstone, who confirmed the space would come forward as commercial railway arches.
- 3.31. The Chair adjourned the meeting at 8.45 pm. The Chair reconvened the meeting at 8.57pm.
- 3.32. The Chair confirmed with Members that the hardcopy Addendum to the Officer report had been circulated amongst them and reiterated the highlighted information provided by the HoD earlier in the meeting.
- 3.33. An objector addressed the Committee. The objector acknowledged the need for housing, then discussed: light, impacts, disabled access, impact upon his own home, children, homeworkers, maintenance, river wall, service charges, infrastructure, costs to residents, ecological concerns, plan revisions and consequences of ill thought out plans.

- 3.34. The Chair suspended Standing Orders at 9.06pm. It was agreed with Members the suspension would be reviewed every 30 minutes.
- 3.35. Members questions after the objectors presentation, related to the: river wall, daylight/sunlight, infrastructure, winter green space and balconies.
- 3.36. The applicant clarified the longevity of the river wall citing a condition report conducted in 2017. The applicant advised the Committee the report stated the longevity of the wall would be 31 years with maintenance conducted every 5 years.
- 3.37. The legal officer advised the river wall was a civil matter to be agreed upon by the landowner and leaseholders of the proposal.
- 3.38. The Chair supported the legal officer and instructed the Committee the physicality of the wall could be discussed i.e. flood risk, but the river wall was not a material planning consideration for the current application. The legal officer supported the Chairs advice.
- 3.39. The objector advised that the infrastructure in their opinion was not adequate. Members were advised that since the pandemic train services had been cut.
- 3.40. The Officer confirmed to the Committee, that there were no plans for the winter green space or balconies to be removed from the proposal. Members were advised that the discussion regarding the balconies was to demonstrate the impact of their removal.
- 3.41. Councillors Brenda Dacres and Rosie Parry spoke under Standing Orders, representing their Ward: Deptford. Councillor Dacres discussed: daylight/sunlight, loss of light, wind, river wall and its condition report published in 2017. Councillor Dacres sought assurance that the river wall would be subject to further inspection, to ascertain the flood risk and the level of work required to ensure its longevity. The Councillor also sought assurance that the river wall inspection results would be treated as a reserve matter, to be brought back before the Strategic Planning Committee for consideration.

The Councillor felt the current situation meant the river wall had unknown unquantifiable implications on prospective leaseholders of the proposal.

Councillor Rosie Parry spoke and discussed: misleading modelling data, breakdown in resident trust, fire brigade access to development, Environment Agency concerns, land ownership and permission, with regard to proposed tree installation.

3.42. Following the Councillors' presentations, Members asked questions that related to the: Environmental Impact Assessment (EIA) modelling results, permission for tree installation on land next to proposal, trees, fire access and objections.

3.43. The Officer advised the Committee that the north-western corner of the Kent Wharf development was modelled based upon a worst case scenario. Members were advised this area would be impacted without any wind mitigation measures employed.

3.44. Councillor Parry explained to the Committee that it was not clear if the applicant had permission for the installation trees, as a wind mitigation measure by the management company for the land next to the proposal.

The Chair requested clarification on the matter.

The Officer provided further clarification of the independent specialist consultants' review of the EIA modelling measurement results, as outlined in the Officer report. The Chair also advised Members that the independent assessor was satisfied with the modelling measurements.

3.45. The applicant assured the Committee they had permission to install tree planters onto the land next to the proposal. The objector spoke up to advise the Committee that the applicant did *not* have permission to install tree planters on the land next to the proposed development.

3.46. The Officer provided Members with clarification of the tree planter installation and advised landscaping would be conditioned. The Committee were assured by the Officer the tree planter installation would not create obstacles to existing access, fire brigade access or to pedestrians.

- 3.47. Members were assured by the Officer that the fire brigade had reviewed the plans for the fire hydrant location and had not raised objections.
- 3.48. The Officer informed Members that an application submitted in 2019 drew objections from the Mayor of London, however the current application drew none.
- 3.49. During the applications consideration, Members raised concerns regarding: equality of facilities and service charges, the late publication of the Addendum to Officers report, daylight/sunlight, EIA modelling measurement results, tree type to be used for wind mitigation, fire access and a possible deferral to allow for further investigations into issues raised throughout the applications consideration.
- 3.50. A Member noted that all the issues raised, had been addressed during the meeting by the Officer, the applicant, the agent and the assessor. Members agreed that there would be no requirement for a deferral.
- 3.51. The HoD assured the Committee that such proposal were not uncommon and cited case law to support his advice. The assessor also supported the HoD, by citing additional case law examples of similar proposals.
- 3.52. The Committee considered the submissions made at the meeting, and voted 5 for the application and 4 against the application.

RESOLVED

RECOMMENDATION (A)

To agree the proposals and refer the application, this report and any other required documents to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.

RECOMMENDATION (B)

Subject to no direction being received from the Mayor of London, authorise the Head of Law to complete a legal agreement under

Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters as set out in Section 12 of this report, including other such amendments as considered appropriate to ensure the acceptable implementation of the development.

RECOMMENDATION (C)

Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PLANNING PERMISSION subject to conditions including those set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development.

Subject to conditions requiring that the developer agrees to:

- The installation of electric boilers as opposed to gas boilers for the developments heating system.
- Submit details for the location and type of tree installation for wind mitigation.
- Submit details of the movement modelled for fire and traffic access to ensure the installed trees do not prevent access to the development.
- Submit details of the residential entrance design to ensure the development is tenure blind.
- Submit details for the location and type of tree installation for wind mitigation purposes.
- To work closely with the Environment Agency if Sand Martin bank is to be replaced or partially replaced.
- To work closely with the Environment Agency if Sand Martin bank is to be relocated. Planning officers are required to include this stipulation in Condition 37 to reflect this requirement.
- To conduct investigation into the river wall to assess its' longevity, if any flood work is required and the impact if the work is not carried out, to ensure leaseholders are aware of what they are committed to before taking signing contracts to purchase units on the development.

The meeting closed at 10.10 pm.

Due to an administrative issue, the matter is going back to the Committee on 1 September

DRAFT